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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/801,430

03/16/2004

John Kim

81095567

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32994

7590

07/29/2008

MILLER LAW GROUP, PLLC  
AND FORD GLOBAL TECHNOLOGIES, INC.  
25 STEVENS AVENUE  
WEST LAWN, PA 19609

EXAMINER

SKURDAL, COREY NELSON

ART UNIT

PAPER NUMBER

3782

MAIL DATE

DELIVERY MODE

07/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                   |  |
|------------------------------|--------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/801,430 | <b>Applicant(s)</b><br>KIM ET AL. |  |
|                              | <b>Examiner</b><br>COREY N. SKURDAL  | <b>Art Unit</b><br>3782           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-10,13-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,13-16 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 1,4 and 5 is/are rejected.
- 7) ☒ Claim(s) 6-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parkins (GB 1,043,227).

Parkins discloses a roof rack apparatus comprising: first and second laterally disposed front side rail members 24/25 located on opposing sides of the automobile, each side rail being pivotally movable independently of each other; a set of front transverse rail members 31 extending between said side rail members, said transverse members being independently movable between a raised and lowered position (Figures 1 and 2); a storage surface 2 defined between the side rails, wherein hinge bars 27 pivotally support the side rails members between a raised basket forming position (Figure 1) and a lowered collapsed position (Figure 2); and upright front and rear transverse rail members 21. Parkins does not have first and second laterally disposed rear side rail members or a rear transverse rail member between the rear side rail members. However, as vehicles come in various shapes and sizes, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a second storage rack taught by Parkins on to a large vehicle having greater roof space, since it has been held that mere duplication of the essential working parts of

a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. In doing so a pair of laterally disposed rear side rail members would be defined on the roof of the vehicle along with a rear transverse member, such that four side rail members, each being independently movable relative to the other would be defined, as well as front and rear transverse members that are independently movable.

3. Claims 1, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Audet (US 4,826,387) in view of Parkins (GB 1,043,227).

Audet discloses the invention substantially as claimed including: first and second laterally opposed storage surface devices (disposed on each side of the centerline 20), each storage surface device 40 being laterally movable relative to the other said device along the side of the vehicle, and including transverse rail members 39 extending between sides of the vehicle, each transverse rail member being independently and pivotally movable at hinge 38 between a raised basket forming position and a lowered collapsed position (Audet Figure 4).

Audet does not disclose four independently movable side rail members as claimed. However, Parkins teaches a roof rack apparatus wherein side rail members 24/25 are provided, said side rail members being disposed on opposite sides of the vehicle, and being pivotally attached to the carrier by hinge bar 27 between a raised position (Figure 1) and a collapsed position (Figure 2). It would have been obvious to one skilled in the art to provide Audet with the side rail members of Parkins and to attach them to the rails 16 in order to increase the functionality of the Audet rack by allowing the user to increase the storage capacity of the roof rack when in the position

shown in Figure 2. The combination of Audet and Parkins still lacks a set of front side rail members and front transverse rail members.

However, as vehicles come in various shapes and sizes, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a second storage rack of modified Audet on to large vehicle having greater roof space, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. In doing so a pair of laterally disposed front side rail members would be defined on the roof of the vehicle along with additional transverse member, such that four side rail members and transverse members, each being independently movable relative to the other, would be defined.

#### ***Allowable Subject Matter***

4. Claims 6-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 10, 13-16 and 18-20 are allowed.

#### ***Response to Arguments***

6. Applicant's arguments with respect to the claim have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that the addition of front and rear transverse rail members that are independently movable define over the cited art. However, Parkins discloses transverse rails 31 which are movable as claimed, and furthermore, the movable rails 39 of Audet can alternative be considered as Applicants

"transverse rail members" that are independently and pivotally movable between a lowered and raised position. As both Parkins and Audet disclose roof racks which extend across only a portion of the roof, it considered obvious by Examiner that on a larger vehicle two racks could be provided so as to satisfy the claim.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COREY N. SKURDAL whose telephone number is (571)272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. N. S./  
Examiner, Art Unit 3782

/Nathan J. Newhouse/  
Supervisory Patent Examiner, Art Unit 3782